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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------------|-----------------------------|
| 10/540,879 | 01/23/2006 | Hiroshi Otsuka | 274434US3PCT | 1800 |
| 22850 | 7590 | 08/24/2007 | | |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | EXAMINER REDDING, DAVID A | |
| | | | ART UNIT 1744 | PAPER NUMBER |
| | | | NOTIFICATION DATE 08/24/2007 | DELIVERY MODE ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/540,879 | OTSUKA ET AL. | |
| | Examiner | Art Unit | |
| | David A. Redding | 1744 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 is/are allowed.
- 6) ☒ Claim(s) 1 and 4-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Specification

The disclosure is objected to because of the following informalities: Pages 12-20 of the specification, the reference numbers cited is not consistent with the reference numerals in the figures.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1,4-18, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims now specify, "the portion of each tacky recess coated with adhesive includes first and second adjacent surface of the tacky recess, the first adjacent surface disposed at an angle relative to the second adjacent surface. The specification as originally filed does not describe this limitation.

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If applicant traverses this rejection applicant should specifically cite where in the specification and figures this feature is described **for each claim in which it is contained.**

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 1,4-13,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,245,413 ('413) in view of US patent 6,550,092 (Brown et al.).

Figure 1 shows a cleaning sheet (1) which is adapted to be attached to a cleaning head (figure 7), the wiping portion (3)(figure 1) having a plurality of tacky recesses (17) formed in the wiping portion (3) and open in the front and rear edges of the sheet and in the shape of triangles, the leading points of the triangles pointing inwardly from each edge. The triangular-shaped recesses (17) have both length and width, reading on claim 6. The wiping portion is considered to read on the claimed "bulky member as defined in claims 9-13. The sheet also includes a base sheet or thin fixing portion (2) interposed between two wiping portions (3) resulting in a double-sided reversible sheet (1) (see figure 2 and 3). The edges of the tacky recesses constitute a sloped portion, reading on claims 7,8,9, and 12.

The '413 patent discloses impregnating the sheet with an agent for adsorbing fine dust particles, but is silent as to a pressure sensitive adhesive (col. 6, lines 62-67).

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The Brown et al. patent discloses a cleaning sheet having cavities in which a pressure sensitive adhesive is placed so as to aid the capture of dust particles (col. 4, lines 51-64; col. 5, lines 5-26). Specifically, the reference states, "... an adhesive (such as a PSA) can be sprayed or coated onto the bottom surfaces within the cavity to form tacky surfaces therein (page 5, lines 2-5). It is the examiners position that by spraying the adhesive into the cavities (4) in Brown or into the recesses (17) in the '423 patent (as suggested by Brown) that the sloped sides of the recesses would undoubtedly receive some of the adhesive, thus meeting applicants claim. Further, Brown does not preclude application of the adhesive to the sidewalls of the cavities (4) only that the adhesive is prevented from the surface of sheet (1). Accordingly, it would have been obvious to one skilled in the art to add a pressure sensitive adhesive to the recesses in the '413 patent in order to enhance the dust capturing capability as taught in the Brown et al. patent.

Response to Arguments

Applicant argues the following regarding claim 2.

Regarding the rejection of Claim 2 as obvious over Kenmochi, that rejection is respectfully traversed by the present response. The wiping portion, in the state attached to the head, having a plurality of tacky recesses open to at least one direction selected from the directions to the front, the rear, the left, and the right of the head and having a pointed or curved shape projecting in the at least one direction between borders of adjacent two of the recesses, the borders being along the at least one direction, wherein the recesses open to opposite directions are interconnected to each other in a configuration such that the interconnected recesses are impenetrable from the opposite directions.

Accordingly, the recesses are interconnected to each other in a configuration such that the interconnected recesses are impenetrable from the opposite directions.

One non-limiting example of the above-noted configuration is shown in Fig. 8.

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Regarding the above-noted feature, the outstanding Office Action acknowledges that Kenmochi does not show the configuration including "recesses open to opposite directions and interconnected to each other in a configuration such that the interconnected recesses are impenetrable from the opposite direction."¹ The outstanding Office Action cites *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) for the proposition that the claimed recess geometries are a matter of design choice absent evidence that the recited features are significant.

MPEP discusses *In re Dailey* as follows:

B. Changes in Shape

In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)

(The court held that the configuration of the claimed disposable plastic nursing container was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration of the claimed container was significant.),²

Accordingly, when the claimed configuration is significant, the feature must be given patentable weight.

Regarding the above-noted interconnected recesses, the specification states:

[0064] As in the cleaning sheet 1' of the sixth embodiment shown in FIG. 8, the wiping sheet 12 may have no strip part 12a, and the recesses 10 of the front row may be interconnected to the recesses 10 of the rear row in such a configuration that the interconnected recesses 10 are impenetrable from the front or the rear. According to this design, the recesses 10 can have increased area , and relatively large dust particles can be collected even in the widthwise middle of the wiping portion 1A. Since the recesses 10 are impenetrable from the front or the rear, the dust once collected in the recess is not allowed to get through.³

Thus, because the recesses (10) are impenetrable from the front or rear, dust is prevented from passing through the cleaning sheet from the front to the rear. In other words, the above-noted arrangement of impenetrable recesses provides a specific benefit, which is set forth in the specification at least at numbered paragraph [0064] of the published application as shown above.

Accordingly, Applicants respectfully submit that the arrangement of recesses open to opposite directions and interconnected to each other in a configuration such that the interconnected recesses are impenetrable from the opposite directions is significant and must be given patentable weight in accordance with MPEP § 2144.04(iv)(B).

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Thus, as Kenmochi fails to teach or suggest recesses open to opposite directions and interconnected to each other in a configuration such that the interconnected recesses are impenetrable from opposite directions, independent Claim 2 patentably distinguishes over Kenmochi and is in condition for allowance.

Applicant's arguments are persuasive and the rejection of claim 2 in view of Kenmochi withdrawn.

Applicant's arguments regarding claims 14-16, and 18 are persuasive and accordingly no prior art rejection in view of the prior art of record has been made.

Allowable Subject Matter

Claim 2 is allowed.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Redding whose telephone number is 571-272-1276. The examiner can normally be reached on Mon.-Fri. 6:00 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran-Piazza can be reached on 571-272-1224. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ David Redding /
Primary Examiner
Art Unit 1744

DAR